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November 22, 2013

Honorable Judge Shubb
United States District Court

Re: Jose Gutierrez

Your Honor:

I write to respectfully request leniency in the sentencing of Jose Gutierrez, who I have known for many years (approaching ten, I believe).

Although I did not witness the altercation at the protest firsthand, nor the presentation of evidence at trial, in my heart of hearts persists a reasonable doubt that Jose would act in an aggressive, threatening manner toward anyone.

My interactions with Jose have been to the contrary. He is someone who always has a smile on his face, with a gentle, peaceful, yet inspiring energy about him. I also know his wife, Sarah (before they started dating, I believe), and have observed them together with their loving family.

In my opinion, where law enforcement witnesses are not just part of the prosecution's case, but are the prosecution's case, the accused is all the more vulnerable to decisions based on subconscious bias and emotion.

To my knowledge, Jose has no criminal record. Having one now, from my perspective, is sufficient punishment in this case. If community service is an option, that would also be appropriate, since he has voluntarily done so already over the course of his life.

Thank you for your attention.

Sincerely,


SARA ZALKIN

Dear Honorable Judge Shubb,

Thank you for your time in consideration on the Gutierrez sentencing matter. I have known Jose for almost 10 years, as a friend, journalist, partner, and father of my two children. I'm writing with concern for his upcoming sentencing hearing on January 10th.

As a mother I have concern for our children who have already experienced so much due to the family circumstances, that they will be harmed by not having a positive male role model in their lives daily.


I work part time as the sole financial supporter for my children, I depend on the support of Jose and his parents to care for my children during the day while I work. Our daily routine includes Jose picking up our son from school so that my workday is not interrupted. The family owned home and ranch depend on his physical support and care of the land and animals there (two seniors cannot take on these responsibilities without his assistance).

It brings me great sadness to think of the potential of my children being separated from their father for any length of time. The physical impact of the incident took a toll on their father's body limitations. And the stress of trial and conviction in a complicated case, and having both parents away during trial has taken a toll on our children. I cannot imagine the impact of not seeing their father daily, not being hugged or held by him daily, or how much they he will be needed in their lives during any separation, any length.

Our son adores his father; together they play outdoor sports, garden vegetables, and do art. Our daughter has learned to sing, enjoys books, and has a love of music thanks to her father's inspiration.

With our immediate and extended family in mind, it would be in the best interest of our community to find a resolution that keeps Jose close to his family, contributing to his society, and keeps him in the community that he has grown up and has supported him throughout this ordeal.

Thank you in advance for your consideration of this personal matter, if I can be of support in any way, I offer my assistance,



Sarah Shrader
Glen Ellen, CA

This letter is being transcribed by Sara Shrader.

Your Honor,

As Jose's mother I want to express how much I depend on Jose to support our family. We have always had a very close family, and depend on one another for support.

Over many years on our family ranch my son has invested an unmeasurable amount of energy and time contributing; managing projects, caring for livestock, tending to the land and helping deal with emergency situations as they come up (for example, animals in labor or jumping over a fence). I count on him to feed our animals anytime I am not available.

The last few years my son has helped produce a large garden, we depend on these fruits and vegetables to sustain our families needs.

My husband and I are both senior citizens, and enjoy the company of Jose's children, our grandchildren. My husband, suffers from medical conditions, and I don't know what I would have done without Jose's help during medical emergencies.

My wish is that supervision requirements allow him to stay here close to home as family would be at a loss without his presence.

Estela Fogal
Mother, of Jose Gutierrez